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6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA  
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9 JEFFREY SIMONEK,

10 Plaintiff,

11 v.

12 CITY OF EL SEGUNDO, ET AL,

13 Defendants.  
14

Case No. CV 15-9190 JAK(ASx)

~~[PROPOSED]~~ PROTECTIVE  
ORDER FOR DISTRICT  
ATTORNEY FILES

15 Based upon the Amended Stipulation of the Parties and, GOOD CAUSE  
16 APPEARING, IT IS ORDERED THAT,  
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18 1. The PROTECTED DOCUMENTS shall be used solely in connection  
19 with the preparation and trial of this action, *Jeffrey Simonek v. City of El Segundo, et*  
20 *al.* -- Case No. CV 15-9190 JAK (ASx), or any related appellate proceeding, and not  
21 for any other purpose, including any other litigation. This paragraph shall not  
22 preclude the Plaintiff's or Defendants' attorneys of record in this case from  
23 indicating, in connection with discovery or a discovery motion in another action, an  
24 awareness of responsive documents. In indicating such awareness in any other  
25 action, the Plaintiff's and Defendants' attorney of record shall not disclose the  
26 substance of the Confidential Information.

27 2. The PROTECTED DOCUMENTS shall be treated as confidential by  
28 Plaintiffs and Defendants and their respective counsel and shall not be further

1 disclosed, disseminated or otherwise distributed except as provided in this  
2 Protective Order.

3 3. The PROTECTED DOCUMENTS, or any portion thereof, may not be  
4 disclosed, distributed or disseminated except as provided in subparagraph (d) below.

5 4. The PROTECTED DOCUMENTS, or any portion thereof, may only be  
6 disclosed to the following persons:

7 (a) Counsel for Parties only and specifically not to Plaintiff or Defendants  
8 with the exception of any recordings, written or otherwise, of Plaintiff's or  
9 Defendants' own statements;

10 (b) All members of the Parties' legal teams, including, but not limited to,  
11 paralegal, investigative, support, stenographic, clerical and secretarial and related  
12 personnel regularly employed by counsel referred to in subparagraph (1) above.

13 (c) The Court and Court personnel, including stenographic reporters  
14 engaged in such proceedings as are necessarily incidental to preparation for the trial  
15 of this action; and

16 (d) Expert witnesses designated by Plaintiff's or Defendants' counsel solely  
17 for the purpose of this litigation.

18 5. Furthermore, each person (except Court personnel) to whom disclosure  
19 of The PROTECTED DOCUMENTS, or any portion thereof, is made, with the  
20 exception of those identified in subparagraph d. above who are presumed to know  
21 the contents of this Protective Order, shall, prior to the time of disclosure, be  
22 provided a copy of this Protective Order by the person furnishing him/her such  
23 material, and shall agree on the record or in writing that he/she has read the  
24 Protective Order, and that he/she understands the provisions of the Protective Order,  
25 and that he/she agrees to be bound by the provisions of this Protective Order. Such  
26 person (except Court personnel) also must consent in writing to be subject to the  
27 jurisdiction of the United States District Court, Central District of California, with  
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1 respect to any proceeding relating to enforcement of this Order, including without  
2 limitation, any proceeding for contempt. Unless made on the record in this  
3 litigation, counsel making the disclosure to any person described above shall retain  
4 the original executed copy of said agreement until final termination of this litigation.

5         6. If the PROTECTED DOCUMENTS, or any portion thereof which were  
6 not part of a public filing, are to be filed with the Court by any of the parties to this  
7 STIPULATION, in any form, the party who wishes to do so shall prepare the  
8 Application required by Local Rule 79-5.1 beforehand.

9         7. Nothing in paragraph 4 is intended to prevent officials or employees of  
10 the County of Los Angeles or other authorized governmental officials from having  
11 access to the PROTECTED DOCUMENTS if they would have had access in the  
12 normal course of their job duties. Further, nothing in this Protective Order prevents  
13 subsequent attorneys representing Plaintiff or Defendants in a re-trial or other post-  
14 trial proceedings from gaining access to the PROTECTED DOCUMENTS to the  
15 extent they are otherwise available through ordinary discovery procedures or similar  
16 means. Finally, nothing in this Order precludes a witness from disclosing events or  
17 activities personal to him or her; that is, a witness can disclose to others information  
18 previously given to the County of Los Angeles with respect to what he or she saw,  
19 heard or otherwise sensed.

20         8. The foregoing is without prejudice to the right of the Plaintiff,  
21 Defendants and the DA:

22         a. To apply to the Court for a further protective order relating to  
23 confidential material or relating to discovery in this litigation; and

24         b. To apply to the Court for an order compelling production of documents  
25 or modification of this protective order or for any order permitting disclosure of  
26 documents or the information contained therein the terms of this protective order.

27         c. Plaintiff and Defendants do not waive any right to assert, inter alia, that  
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1 the DA does not have a legitimate interest or need to limit access to documents  
2 reflecting and/or related to its internal decision making process in Plaintiff's or  
3 Defendants' case and do not waive their respective rights seeking discovery of these  
4 documents. Plaintiff and Defendants do not waive their rights to seek disclosure of  
5 any and all documents in the possession of the DA relating to the District Attorney  
6 files for the cases subpoenaed and identified above on any and all applicable  
7 grounds, including but not limited to his rights and guarantees afforded to them by  
8 law.

9       9. Once the Protective Order issues, the following schedule will take  
10 effect, subject to extraordinary circumstances or by mutual agreement of the  
11 Plaintiff, Defendants and the DA:

12           a. Within Fifteen (15) days of the notice to counsel for the DA, of  
13 the Court's entry of the Protective Order, the DA will make available, for inspection  
14 and/or photocopying, the non-privileged, non-confidential documents in its  
15 possession, custody or control, which are responsive to the above-referenced  
16 subpoenas duces tecum. Plaintiff will bear the reasonable cost of duplicating the  
17 materials.

18           b. The Plaintiff and Defendants shall place a stamp on each  
19 PROTECTED DOCUMENT marked "Confidential–Subject to Protective Order."  
20 The marking shall not, to the extent practicable, prevent or impede the reading of the  
21 text of the PROTECTED DOCUMENT. If through its inadvertence, surprise or  
22 neglect, the Plaintiffs or Defendants do not label a PROTECTED DOCUMENT as  
23 indicated, counsel for Plaintiff and/or Defendants shall so notify the DA and shall  
24 place the phrase "Confidential–subject to Protective Order," on the PROTECTED  
25 DOCUMENT.

26           c. Within Thirty (30) days after the date that an Order terminating  
27 this litigation becomes no longer subject to judicial review, counsel for Plaintiffs  
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1 and Defendants shall promptly return to the DA all copies of the PROTECTED  
2 DOCUMENTS and shall certify it has not retained any such documents, or portions  
3 thereof except as required by the Court.

4 10. This Protective Order, when entered into by the Court, shall be  
5 retroactive to the date of the initial disclosure of documents made by the DA in this  
6 matter.

7 11. This Protective Order is entered into without prejudice to the right of  
8 any party and/or the DA to file any motion for relief from the Court from any  
9 restriction hereof or for any other or further restriction on the production, exchange,  
10 or use of any documents, testimony, or other information produced, given, or  
11 exchanged in the course of discovery in this action. Further, by entering into this  
12 Protective Order, neither Plaintiffs nor Defendants waive the right to file a Motion  
13 in Limine regarding all or a portion of the PROTECTED DOCUMENTS. This  
14 Order may be modified, amended, or vacated by further Order of the Court.

15 12. This Protective Order shall survive the final determination for this  
16 action and shall remain in full force and effect after conclusion of all proceedings  
17 herein, and the court shall have continuing jurisdiction to enforce its terms.

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19 IT IS SO ORDERED.

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21 DATED: September 29, 2016

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/ s / Alka Sagar  
HON. ALKA SAGAR  
United States Magistrate Judge